

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA, ex rel.)
LOUIS LONGO,)

Plaintiff-Relator)

v.)

Case No. 2:17-cv-01654-MJH

WHEELING HOSPITAL, INC.,)
R&V ASSOCIATES, LTD., and)
RONALD L. VIOLI)

Defendants.)

DECLARATION OF DR. VICTOR MAEVSKY

I, Dr. Victor Maevsky, hereby declare as follows:

1. I am an adult over the age of eighteen (18) and am a resident of the State of Ohio.
2. The information contained in this Declaration is based on my personal knowledge.

If called to testify, I would state as follows:

3. I am a cardiac surgeon. I have been employed at Wheeling Hospital (the "Hospital") since May 2009.

4. I live in St. Clairsville, Ohio, which is approximately a fifteen minute drive from the Hospital and more than 60 miles from Pittsburgh, Pennsylvania.

5. I joined the Hospital as part of a cardiac practice group with Dr. Ahmad Rahbar and Dr. Mehdi Akhavan-Heidari.

6. The contract negotiations for the practice group were conducted between the Hospital and Dr. Rahbar in Wheeling, West Virginia.

7. After Dr. Rahbar died, I negotiated my most recent employment contract with the Hospital in Wheeling, West Virginia.

8. Since the practice group joined the Hospital, Dr. Akhavan-Heidari has left the Hospital to live in a larger city. It is my understanding that he now resides near Las Vegas, Nevada.

9. There would be significant disruption to my medical practice if I had to testify or attend court proceedings in this case in Pittsburgh, Pennsylvania.

10. No other physician can cover my surgeries or patient office visits for me unless it is scheduled well in advance with set dates and times.

11. In addition, my absence from the Hospital could negatively impact my ability to provide patient care because there are not many other cardiac surgeons in the Wheeling area and I often perform emergency surgeries.

12. It would be more convenient if the trial and other court proceedings in this case were in Wheeling, West Virginia because the federal courthouse in Wheeling, located at 1125 Chapline Street, is less than four miles from the Hospital. This would lessen my travel-related, lost work time and other hardships because I could see patients before and/or after my court appearances. In addition, if I had to testify or otherwise appear in court in Wheeling, I could quickly return to the Hospital in the event of an emergency.

13. My patient files are kept in paper and electronic formats in my office at the Hospital. However, only my recent notes are maintained electronically. Thus, if I were away in Pittsburgh, I would be unable to access paper files in the event that I needed to review them to provide treatment advice.

14. Because of the potential disruption to my practice, unless I am compelled to testify or attend court proceedings in Pittsburgh, I likely would not agree to do so.

15. If called to testify in this case, I would further testify regarding my contract (including compensation) negotiations with the Hospital, my medical practice and procedures, and

the billing protocols used in my practice.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 9, 2019
in Wheeling, West Virginia



Dr. Victor Maevsky